



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 18, 2013

**RE: ALUMINUM SMELTING AND REFINING LANDFILL
GROUND WATER MONITORING
RETURN TO COMPLIANCE**

David Pytak
Aluminum Smelting & Refining
40 Fountain Plaza, 8th Floor
Buffalo, NY 14202

Dear Mr. Pytak:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the Revised Statistical Analysis Plan Addendum, dated March 7, 2013, and received by Ohio EPA Northeast District Office (NEDO) on March 26, 2013. The document was submitted by Bowser & Morner, Inc. on behalf of Aluminum Smelting & Refining (ASR) in response to Ohio EPA's January 3, 2013 notice of violation (NOV). The Revised Statistical Analysis Plan Addendum is the statistical analysis portion of the facility's Ground Water Monitoring Plan (GWMP).

ASR Landfill is a closed industrial solid waste landfill (closed under the 1994 version of the Industrial Solid Waste Regulations) and is required to conduct post-closure ground water detection monitoring in accordance with the Ohio Administrative Code (OAC) Rule 3745-29-10(A)(1) and OAC Rule 3745-30-08. The statistical analysis plan addendum was reviewed in compliance with OAC 3745-30-08, the 2009 U.S.EPA Unified Statistical Guidance for Ground Water Monitoring, the Ohio EPA DMWM, and Ohio EPA Division of Drinking and Ground Waters (DDAGW) Guidance Document #715 (September 2012).

Previously, ASR was cited in violation of OAC Rule 3745-30-08(A)(1) and OAC Rule 3745-30-08(C)(5) which requires the owner/operator to "implement and maintain a ground water monitoring program capable of determining the impact of the landfill facility" and "the statistical method specified shall ensure protection of human health and safety and the environment and shall comply with the performance standards outlined in paragraph (C)(6) of this rule." However, the Revised Statistical Analysis Plan Addendum updated the statistical analysis portion of the Ground Water Monitoring Plan to meet the U.S. EPA's Unified Statistical Guidance document as well as all the comments in the NOV listed below.

- a. Section 4.2 - Expanding Ground Water Database – ASR revised the plan based upon the recently updated Ohio EPA DMWM Guidance Document 0715 at http://epa.ohio.gov/portals/34/document/guidance/gd_715.pdf. In addition, ASR clarified which values are to be used as the initial background database.
- b. Section 4.3.1 – Outliers – ASR revised the plan to include the U.S. EPA Guidance recommendation to not use an automated outlier removal. They updated the plan based upon Sections 3.2.3 and 5.2.3 and Chapter 12 in Unified Guidance and the above mentioned DMWM Guidance Document 715.
- c. Section 4.3.2 – Non-Detects – ASR updated the Addendum to be consistent with the applied methodology in the 2011/2012 Data Re-evaluation regarding use of Cohen's or Aitchison's Adjustments.

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- d. Section 4.3.4 – Prediction Interval – The Addendum was revised to meet the Unified Guidance recommendation that using the highest value may not always be the best choice as the prediction limit. Use of the highest, second highest or another value, depending upon outliers, was proposed based upon the DMWM guidance document listed above.
- e. Section 4.4 – Verification Resampling (Notification) – ASR stated clearly that within 15 days of determining a second statistical exceedance, they will notify the Ohio EPA of the exceedance per OAC Rule 3745-30-08(D)(8). They also added that they do not have a leachate collection system, and that it will be sampled within 15 days of SSI determination, referencing applicable portions of (D)(10).
- f. Section 5.0 - Response – ASR revised their plan to state that they will comply with OAC 3745-30-08(D8) through (rather than “and”) 30-08(D)(12) until approval.

Upon review of the statistical analysis portion of the GWMP, Ohio EPA considers the Revised Statistical Analysis Plan Addendum dated March 7, 2013, now meets the U.S. EPA's Unified Statistical Guidance document as well as all the recommendations in the U.S. EPA and Ohio EPA Statistical Guidance documents. Therefore, ASR has returned to compliance for the violations identified in the January 3, 2013 notice of violation.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

Please contact Katie Radar at (614) 644-3128 if you have any technical questions regarding this review. Otherwise, submit all correspondence to Colum McKenna, Division of Materials and Waste Management, Northeast District Office, Ohio EPA, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,



Colum J. McKenna
Environmental Specialist
Division of Materials and Waste Management

CJM/cl

cc: Katie Radar, DDAGW-CO
Eric Adams, DDAGW-NEDO
Jeffery D. Arp, Bowser-Morner, Inc.
Ray Saporito, ACHD
File: [Singh/LAND/Aluminum Smelting/GRO/04]
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